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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,837	03/06/2002	Yasuo Mori	00862.022538	5805
5514 7590 04/16/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER QIN, YIXING	
			ART UNIT 2625	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/090,837

Applicant(s)

MORI ET AL.

Examiner

Yixing Qin

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-15, 18-25, 28-35 and 38-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-15, 18-25, 28-35 and 38-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In response to applicant's amendment received 9/5/06, all requested changes have been entered.

Response to Arguments

Applicant's arguments filed 9/5/06 have been fully considered but they are not persuasive. The arguments state that the applied art does not disclose the added features of the new claims. The Examiner disagrees. Bourdeau'Hui discloses in Figs. 4 and 5 various layouts for printing pages of a book. The front and back surfaces of the sheets have various pages printed on them, and are put together so that appropriate information is reflected on both sides of the sheets – i.e. page 1 opposite page 2, page 3 opposite page 4, and so on. This can be seen in Fig. 5.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

All claims are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had

Art Unit: 2625

possession of the claimed invention. All independent claims end with the limitation claiming that the front and back surface has a mirror symmetry. The specification and drawings (e.g. Fig. 19) show that while the front and back of a sheet may match up, they do not have mirror symmetry. Mirror symmetry would indicate that they would look the same when folded along the line in which they are mirrored. Fig. 19 shows that the text for Mr. A would appear on the back side corresponding to the Address of Mr. A, which is on the front side. They may be matching relevant information, but are not mirrored. Appropriate correction is required. The Examiner suggests claiming instead that relevant information is matched in the front and back portions, which is the interpretation the Examiner takes in the rejection below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

I. Claims 1-5, 8, 9, 11-15, 18, 19, 21-25, 28, 29, 31-35, 38, 39, and 41-45 are rejected under 35 U.S.C. 102(b) as being unpatentable over Bourdeau'Hui et al (U.S. Patent No. 5,995,719 – "Bourdeau'Hui").

Art Unit: 2625

Regarding claims 1, 11, 21, 31, Bourdeau'Hui discloses an information processing apparatus segmenting a sheet into a plurality of areas and controlling the print data layout in each of the plurality of areas, comprising:

Bourdeau'Hui discloses "print setting means for setting print settings" (column 3, lines 6-11 a program for setting up the positioning and information of sheets to be printed input means for inputting a plurality of sets of data from an application, each set of data including print data of front and back surfaces of each area);

Bourdeau'Hui discloses "determination means for determining whether a surface which undergoes an imposition process is to be at the front or back surface;" (in column 6, lines 65-67 and 7, lines 1-13 that there are a "recto" (i.e. **upper**) and "verso" (i.e. **lower**) sides in which to print pages. Also see Figs. 3, 4A, 4B)

page order setting means for setting the page-layout order on the surface of one sheet determined by the determination means such that, in a case where the sheet is cut into the plurality of areas, each set of data corresponds to the front and back surfaces of each area; (Lines 5-8 of column 7 discloses that the reason for placing the pages in a certain order and some to be turned upside down is to have the proper **page order** so that the two sides match each other – Also see Figs. 3-5) and

imposition process means for performing the imposition process, on the basis of the page-layout order set by said page order setting means, by separately collecting page data for the front and back surfaces of the sheet and respectively laying out the image data on the front and back surfaces of the sheet, (column 3, lines 17-35)

Art Unit: 2625

wherein said page order setting means sets page-layout orders such that the page layout of the front and back surfaces has a mirror symmetry. (Again, from Figs. 4-5, one can see the layouts of the fronts and backs of the printed sheets are pages to be matched together –i.e. 1 and 2, 3 and 4, etc.)

Regarding claims 2, 12, 22, 32, 42, Bourdeau'Hui discloses wherein said determination means automatically determines the front or back surface by either a format in which all the data of back surfaces is outputted after all the data of front upper surfaces is outputted, or a format in which data of the front or back surface of a set is alternately outputted, which is designated from the application in 2 sided printing." (column 3, lines 4-23 and column 6, lines 31-37).

Regarding claims 3, 13, 23, 33, Bourdeau'Hui discloses wherein said print setting means has designation means for allowing a user to designate processing for the front or back surface, and said determination means performs the determination on the basis of the user designation by said designation means." (column 8, lines 1-30 that a processing that an user can designate is the number of pages in a section and/or pages to be printed on a layout.)

Regarding claims 4, 14, 24, 34, Bourdeau'Hui discloses wherein said determination means automatically determines the front or back surface by communicating with the application by using an extension application programming

Art Unit: 2625

interface (column 4, lines 27-37 – it would be inherent for an automatic duplex proofing machine to know the front and back sides of a page when the data is sent to the proofer).

Regarding claims 5, 15, 25, 35, Bourdeau'Hui discloses wherein when a layout that is always uniquely determined by a specific type of sheet is to be made, and the specific type of sheet is designated, a print setting GUI is controlled so as not to make any setting that influences the layout. (column 7, lines 52-67 that different layouts on a sheet can be made depending on how many pages a user wants on the sheet of printed material -i.e. **the specific type of sheet** has, for example, 1 or 2 pages, which determines the layout of the sheet).

Regarding claims 8, 18, 28, 38, Bourdeau'Hui discloses wherein said print setting means can designate that part of a sheet has already been used, and said page order setting means makes a setting to set only remaining areas as layout targets on the basis of information of the used area designated by said print setting means. (in column 11, lines 3-13 the positioning of the "spine," which is used for folding. This spine area is not to be printed up for the purposes of Bourdeau'Hui's invention, i.e. it is a part of the page that already has a predefined use. Therefore, the layout, as one sees in Figs. 3 and 5, that the setting of the areas of the pages are consistent and does not include the spine area. One could also read the blank space between the pages between the pages as designated parts of the proof sheet that have been used and will not be printed upon)

Regarding claim 9, 19, 29, 39, Bourdeau'Hui discloses wherein said page order setting means sets remaining areas of the first sheet as layout targets by using information of a used area designated by said print setting means, and sets all areas of the second and subsequent sheets as layout targets. (From claim 8 above, one can see in Figs. 3 and 5 that the various sheets are arranged in the same fashion - i.e. a second sheet's layout is set just the same as the layout of the first sheet.)

Regarding claims 41, 44, 45, Bourdeau'Hui discloses an information processing apparatus segmenting a surface of a sheet into a plurality of areas and controlling a print data layout in each of the plurality of areas, comprising:

print setting means for setting a specified sheet, required to segment a surface of the sheet into a plurality of areas and required to assign pages to each of the segmented areas, as an output sheet; (Figs. 4, 5 and column 3, lines 5 - column 4, line 11)

layout order setting means for setting a layout order of pages to be imposition-processed for each of the plurality of areas obtained from segmenting a surface of the sheet; (column 3, line 57 – column 4, line 11)

input means for inputting drawing data of a plurality of pages; (column 3, line 57 – column 4, line 11)

imposition process means for performing imposition processes, based on the layout order of pages set by said layout order setting means, by separately collecting drawing data for front and back surfaces of one sheet and by respectively laying out the

drawing data on the front and back surfaces of said one sheet; (column 3, line 57 – column 4, line 11, Figs. 4-5) and

data generation means for generating print data to be printed by a printing device, from the data which is imposition-processed by said imposition process means, wherein the layout order of pages is determined such that a page layout of the front and back surfaces has a mirror symmetry. (Figs. 4, 5, 9, and column 10, lines 12-27).

Regarding claim 43, Bourdeau'Hui discloses wherein said print setting means is capable of designating an area of a sheet to be used for printing when a part of the sheet is already occupied, (column 9, lines 46-65 and Figs. 3-5 – the program places pages on the left or right depending on them being odd or even. When, for example, page 1 is designated to be printed on the right side in Fig. 5, page 16 is designated to be printed on the left side. That means that there is designation of placement of pages on a certain parts of a page because other parts of a page is already designated to other pages) and

said imposition process means collects drawing data for each surface of the sheet and lays out the collected drawing data to the respective surface, having the area for printing arranged symmetrically, according to the set-up of said print setting means. (column 9, lines 46-65 and Figs. 3-5)

Art Unit: 2625

II. Claims 10, 20, 30, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourdeau'Hui et al (U.S. Patent No. 5,995,719 – "Bourdeau'Hui") in view of Holt (U.S. Patent No. 5,495,561)

Regarding claims 10, 20, 30, 40, Bourdeau'Hui discloses proof printing documents.

It does not explicitly disclose the spooling of data in his invention.

However, The Holt reference discloses such a conventional technique in column 9, lines 64-67 and column 10, lines 1-15.

Bourdeau'Hui and Holt are combinable because they are both in the art of printing documents.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used spooling because spooling is a conventional technique in the art of printing and the claim describes steps that are known in spooling.

The motivation would have been to process documents in a conventional format provide easy of use and compatibility across different printers and computers.

Therefore, it would have been obvious to combine Bourdeau'Hui and Holt to obtain the invention as specified.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381.

The examiner can normally be reached on M-F 9:30-6:00.

Art Unit: 2625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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